

**MINUTES OF THE  
STATE ELECTIONS ENFORCEMENT COMMISSION  
SPECIAL MEETING  
August 16, 2006**

***I. Call to Order***

Chairman Cashman called the meeting to order at 9:07 A.M. Commissioners Mendoza, Cleary, Jenkins and Dolan were present. Staff members present were Messrs. Garfield, Lenge, Smith, Ly, Preble, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn.

***II. Approval of the Minutes***

*Approval of the Minutes of the July 19, 2006 Special Meeting*

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the minutes of the July 19, 2006 special meeting. So voted.

**III. Consideration of Report of the Independent Counsel Concerning Investigation and Settlement of Case File No. 2005-311**

***Attorney Daniel J. Klau, Pepe & Hazard***

Chairman Cashman introduced Attorney Klau, independent counsel, to summarize his final report concerning the State Elections Enforcement Commission's investigation and settlement of In Re M. Lisa Moody. He summarized his findings, conclusions and recommendations. He stated that the SEEC staff conducted a comprehensive, thorough investigation which was consistent with the laws, regulations and past practice of the Commission. The staff and commissioners determined the amount of civil penalty after full and open discussion, the amount of penalty was within the range of reasonableness given past practice. He found that the SEEC has an institutional conflict of interest with respect to enforcing election laws against certain individuals in the executive and legislative branches with whom it must deal on a regular basis and on whom it must rely for resources. He concluded that the executive director, general counsel and enforcement functions of the SEEC need to be separated. There should be greater independence from the executive and legislative branches with respect to staffing and budget allocation decisions. In conclusion, he found that no one in the agency imposed any improper or undue pressure on any of the subject commissioners. He also recommended that to avoid the appearance of impropriety in settlement negotiations, the SEEC should limit itself to negotiating with individuals whom the subject of a complaint has authorized to act on his or her behalf.

Commissioner Cashman thanked Attorney Klau for his comprehensive report. The Commissioner accepts the report. It validates the Commission's original position that this particular investigation was conducted in accordance with our policies and procedures. It does point out some of the difficulties the Commission operates under in

terms of the existing system. He said that all the recommendations will be considered to ensure that the impartiality and integrity of the Commission is maintained.

**IV. *Discussion of Pending Litigation***—Green Party, et. al v. Jeffrey Garfield and Richard Blumenthal— Executive Session per Conn. Gen Stats. 1-200 (6) (B)—Assistant Attorney General Perry Zinn Rowthorn

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins at 9:45 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) to discuss the pending litigation captioned above. So voted. Present were Commissioners Cashman, Mendoza, Cleary, Jenkins and Dolan. Staff members present were Messrs. Garfield, Lenge, Smith, Ly, Preble, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn. Assistant Attorney's General Perry Zinn-Rawthorn and Maura Murphy Osborne were also present during the discussion.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to return to public session at 10:10 A.M. So voted.

Following a brief recess, the Commission continued with the items on the agenda.

**VI. *Pending Complaints and Investigations***

**A. *Public Session***

1. In the Matter of a Complaint by Laurence Czajkowski, West Haven  
File No. 2005-308  
Proposed Findings and Conclusions  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield  
Attorney Garfield explained the above referenced complaint. Attorney Andrews briefly summarized the investigation and the proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2005-308. So voted. The matter is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

2. In the Matter of Complaints by Dorothy DeBisschop, Oxford  
File No. 2006-129  
Proposed Consent Agreement and Order  
Respondent: Jill Karpovich  
Investigator: Attorney William Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Karpovich has signed the proposed agreement and paid the civil penalty of \$1,000.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt the proposed Consent Agreement and Order in File No. 2006-129 as presented. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Cynthia Bruno, Ridgefield  
File No. 2006-138  
Proposed Consent Agreement and Order  
Respondent: Rocco Valeri  
Investigators: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Consent Agreement and Order. Respondent Valeri has signed the proposed agreement and paid the civil penalty of \$350.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2006-138 as presented. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Robert Melvin, New Haven  
File No. 2006-140  
Recommendation: Reason to believe finding  
Investigators: Attorneys William B. Smith and Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that Cordilla V. Thorpe violated Sections 9-140b (d) and 9-140b (e), Conn. Gen. Stats. by taking possession of three absentee ballots, and knowingly being present while such ballots were executed in connection with the March 7, 2006 New Haven Democratic primary for co-chair of the 22<sup>nd</sup> Ward and that a hearing officer be designated for the purpose of conducting a hearing on the matter. So voted.

Commissioner Cashman designated himself to be hearing officer.

5. In the Matter of a Complaint by Jennifer Iannucci, Bridgewater  
File No. 2006-166  
Proposed Consent Agreement and Order  
Respondents: Members of Board of Finance, Town of Washington  
Investigator: Attorney William B. Smith  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and proposed Consent Agreement and Order. Mr. Garfield commended Attorney Smith for the successful settlement of this matter. The six members of the Board of Finance in the Town of Washington have signed the proposed Consent Agreement and Order and have each paid a civil penalty of \$200. They have also reimbursed

the Town of Washington \$59.50 for the cost of postage and printing for the mailing found to be in violation of CGS §9-369b..

It was moved by Commissioner Cleary and seconded by Commissioner Dolan to adopt the proposed Consent Agreement and Order in File No. 2006-166 as presented. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Joan Coe, Simsbury  
File No. 2006-169  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Dolan and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2006-169. So voted. The matter is dismissed for the reasons stated. The Findings and Conclusions is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Troy Foreman, Westbrook  
File No. 2006-187  
Proposed Findings and Conclusions  
Investigator: Attorney Marc W. Crayton  
Investigator: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-187. So voted. The matter is dismissed for the reasons stated. The Findings and Conclusions is attached and incorporated herein as part of these minutes

8. In the Matter of a Complaint by Richard Rogers, Lisbon  
File No. 2006-188  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and proposed Findings and Conclusions recommending the matter be dismissed.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2006-188. So voted. The matter is dismissed for the reasons stated. The Findings and Conclusions is attached and incorporated herein as part of these minutes.

9. In the Matter of a Complaint by M. Kimball & M. Foley, Glastonbury  
Registrars of Voters  
File No. 2006-191  
Recommendation: No further action  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. With information received from the Department of Homeland Security, it was established that the individual named in the complaint was considered a US citizen and was therefore eligible to register and vote in the Town of Glastonbury.

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza that the Commission take no further action on this matter. So voted. The staff will send a letter to the Registrars of Voters informing them of the results of the investigation and provide them with the information from the Department of Homeland Security.

10. Consideration of Hearing Officer's Report  
Matter of Referral by the Office of the Secretary of the State  
File No. 2005-312CNF  
Proposed Hearing Officer's Report  
Respondent: Michael Singh  
Case Presenter for State: Albert P. Lenge  
Hearing Officer: Jeffrey B. Garfield

Commissioner noted for the record that the Respondent is not present.

Mr. Garfield informed the Commission that Mr. Singh contacted both he and Mr. Lenge yesterday via e-mail requesting a continuance of the Commission's consideration of this matter in order to provide him with the opportunity to respond. Neither Mr. Garfield nor Mr. Lenge objected to Respondent's request.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to grant the Respondents request for continuance until the next meeting. So voted.

*B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary at 10:50 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 11 to 15 on the agenda. So voted. Present were Commissioner Cashman, Mendoza, Cleary, Jenkins and Dolan. Staff members present were Messrs. Garfield, Lenge, Smith, Ly, Preble and Ms. Andrews and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to return to public session at 11:20 A.M. So voted.

The Commissioner returned to Public Session and took the following action:

11. In Re Potential Duplicate Voters—Matter Referred by the Office of the Secretary of the State  
File No. 2005-146

Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

The matter was fully investigated, and the staff will instruct the Registrars of Voters in the affected towns concerning their findings

12. In the Matter of a Complaint by Paul F. Roy, Seymour  
File No. 2006-101

Investigator: Attorney Joan M. Andrews, Audit Support: Hy Ly  
Managing Attorney: Albert P. Lenge

This matter was continued.

13. In the Matter of a Complaint by Nancy Rossi, West Haven  
File No. 2006-109

Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

14. In the Matter of a Complaint by David Gilmore, Waterbury  
File No. 2006-149

Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to authorize the issuance of a subpoena duces tecum to Webster Bank for the account of NSQ, LLC provided that a voluntary request for same records is not complied with within in ten days. So voted.

14. In the Matter of a Complaint by John F. Scott IV, Groton  
File No. 2006-150

Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

15. In the Matter of a Complaint by Victoria Harlow, Haddam Registrar of Voters  
File No. 2006-167

Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained that the above referenced complaint has two separate allegations. With regard to the first allegation, the matter is continued. With regard to the allegation that there was a violation of CGS §9-333x(3), potential vote buying, he recommends the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt the proposed Findings and Conclusions in File No. 2006-167. So voted. The matter is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

## ***VII. Administrative report on Implementation of Public Act 05-5-Managerial staff***

Mr. Garfield stated that although the establishment of and filling the staff positions has been a slow process, several of the new positions have been filled. He introduced Ryan Preble, the new office assistant who is located on the third floor with the audit and IT staff. Mr. Garfield and Mr. Lenge are in the process of hiring the new Director of Public Campaign Financing and they are hopeful that the most qualified candidate will start in early September. Applications for the new position for Director of Legal Affairs and Enforcement are being reviewed and staff is scheduling interviews.

Mr. Lenge and the IT staff are going to New Hampshire tomorrow for the purpose of viewing a local firm's presentation of New Hampshire's on-line filing system. We are interested in the design of the New Hampshire system. He discussed the immediate and future goals for the electronic filing project.

Mr. Garfield stated that he is especially pleased with the IT team that Mr. Clonan and Mr. Hazen have assembled. The new team is working on the implementation of the public financing and electronic filing project. They will be establishing a database of state contractors who will be unable to make political contributions to state and legislative races which will be available on the SEEC's website as a list.

Mr. Clonan introduced Richard Bramande, Amjad Mahmood and Renata Rydzewski. Each is a Technical Analyst 3. He said each has a broad background and specific expertise to accomplish the goals that have been given the agency. Brian summarized the progress on the infrastructure.

Mr. Hazen summarized the applications' development phases and the analysis of the data to create the state contractor database.

Mr. Ly summarized the progress on the system of information collection.

Mr. Garfield stated that the state contractor project is a large undertaking but is proceeding and hopefully the database to capture the information will be ready by the deadline. There have been many questions on the interpretation of the law and he has asked the GAE leaders for a meeting to discuss legislative intent of the law.

### ***VIII. Adjournment***

Before adjournment, Commissioner Cashman asked Mr. Lenge if he would prepare some proposal for the next meeting on implementing the recommendations of Attorney Klau as well as other recommendations on how the Commission can improve the process for respondents in an investigation.

Chairman Cashman requested that the next regular meeting scheduled for September 6, 2006 be rescheduled for September 20, 2006.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to ajourn the meeting at 11:45 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

**The next meeting is tentatively scheduled to be a special meeting on September 20, 2006 at 9:00 A.M.**

Respectfully submitted,

Lois E. Blackburn  
Clerk of the Commission

Adopted this \_\_\_\_ day of September, 2006, at Hartford, Connecticut.

Stephen F. Cashman, Chairman  
By Order of the Commission